

Application No.: 10/529612  
Docket No.: BA9313USPCT

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REMARKS

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Claims 1-15 are pending in the application and are subject to restriction and/or election requirement. In accordance with 37 CFR 1.499, Applicants were required to elect a single invention to which the claims must be restricted. The following Groups were listed in the Office Action:

Group I, claims 1-12, drawn to a compound of formula 1, composition and method for controlling an invertebrate pest when V and Y = N, W = C or N;

Group II, claims 1-12, drawn to a compound of formula 1, composition and method for controlling an invertebrate pest when one of V and Y = N, W = C or N;

Group III, claims 1-12, drawn to a compound of formula 1, composition and method for controlling an invertebrate pest when V, Y and W = C;

Group IV, claim 13, drawn to a spray composition containing a propellant of formula 1; and

Group V, claims 14 and 15, drawn to a composition and device of the compounds of formula 1.

Applicants notice that a compound of formula 1, wherein V and Y = C and W = N is missing from the above list. Applicants believe this may have been an oversight given that Groups I and II both included compounds wherein W = C or N. Thus, it is respectfully requested that Group III be modified to include such compounds. Modified Group III would thus be drawn to a compound of formula 1, composition and method for controlling an invertebrate pest when V and Y = C and W = C or N.

Applicants hereby elect modified Group III with traverse but reserve the right to file one or more divisional applications to any unelected subject matter. Applicants respectfully maintain that Groups IV and V drawn to a composition and device of those compounds of modified Group III herein elected could easily be searched and thus combined with modified Group III.

Claims encompassing the elected invention include Claims 1, 2, 3, 4, 5, 8, 9, 10, 11, 12. Claims 13, 14 and 15 also encompass compounds of the elected invention.

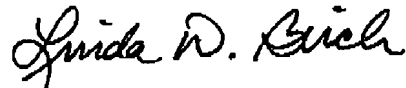
A single species from the elected group is a compound wherein Y is CH, V is CH, R<sup>1</sup> is H, R<sup>2</sup> is H, R<sup>3</sup> is methyl, R<sup>4a</sup> and R<sup>4b</sup> are Cl, R<sup>5</sup> is OS(O)<sub>2</sub>Me, W is N and R<sup>6</sup> is 2-chloro. This compound can be found at page 53 of the specification as published (US 2006/0014808 A1) in paragraph [0158] in INDEX TABLE A as Compound 2.

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Allowance of the above-referenced application is respectfully requested.

Respectfully submitted,



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